

REMARKS

Claims 1 – 4 are pending in the present application. By this Amendment, claim 2 and Figs. 17 – 19 and 22 have been amended, claims 1 and 4 have been canceled and new claim 5 has been added. No new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated May 10, 2004.

As To The Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

Double Patenting:

Claim 1 is rejected under the doctrine of double patenting over claim 1 of U.S. Patent No. 6,241,157 B1 since the claims, if allowed, would improperly extend the “right to exclude” already granted in patent.

As discussed above, claim 1 has been canceled thereby rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

35 U.S.C. §102, Rejection:

Claims 2 – 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by Orth (U.S. Patent No. 3,810,366).

This rejection is respectfully traversed.

Claim 2 calls for *an expansion valve comprising a prismatic valve body, a valve means for adjusting the flow rate of a refrigerant to be transmitted to an evaporator, and a power element portion for driving said valve means according to the temperature of said refrigerant*

transmitted from said evaporator to a compressor, wherein said valve body comprises a prismatic projection formed integrally to the side surface of said valve body.

For example, as illustrated in Figs. 13 – 15 of the present application, an expansion valve includes a prismatic-shaped body portion 304 and a prismatic-shaped projection 305 formed integrally thereto, wherein mounting holes 54 and 55 each corresponding to the first passage 32 and the second passage 34 are formed on the projection 305. The body portion 304 is formed integrally with the projection 305 as the valve body 303 by an extrusion molding performed to the direction crossing said each refrigerant passages at right angles.

With regard to the applied reference of Orth, the Examiner asserts that

Orth discloses an expansion valve comprising a prismatic valve body 12, a valve means 16 for adjusting the flow rate of a refrigerant to be transmitted to an evaporator coil E, and a power element portion driving the valve means 16 according to the temperature of the refrigerant transmitted from the evaporator E to a compressor C, wherein the valve body 12 comprises a prismatic projecting formed integrally to the side surface of the valve body 12. See Fig. 3, 6 and 7 and column 3, line 67 – column 4, line 2.¹

However, the Examiner appears to be mis-characterizing the teachings of Orth. More specifically, valve body 12 is not a prismatic valve body. That is, as shown in Fig. 6 of Orth, the valve body 12 does not have a prismatic shape where the two cap screws 100, 100 pass through the body 12 or in the area surrounding port 38. In addition, the fitting 106 fails to constitute a prismatic projection formed integrally with the side surface of the valve body 12, since it also does not have a prismatic shape, i.e., in the area surrounding port 38.

¹ Please see, lines 2 – 8, page 3 of the Action.

As such, it is clear that Orth fails to disclose the features of claim 2 concerning *an expansion valve comprising a prismatic valve body, a valve means for adjusting the flow rate of a refrigerant to be transmitted to an evaporator, and a power element portion for driving said valve means according to the temperature of said refrigerant transmitted from said evaporator to a compressor, wherein said valve body comprises a prismatic projection formed integrally to the side surface of said valve body.*

Moreover, it is submitted that Orth also fails to disclose the features of newly added claim 5, for at least the reasons set forth with regard to claim 2, since claim 5 is directed to a similar embodiment as that of claim 2

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

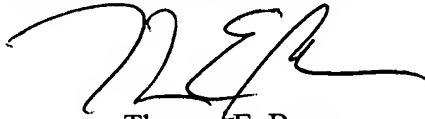
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.111
Attorney Docket No. **990076C**
Serial No. **10/632,804**

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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